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SECURITY COUNCIL
Fiftieth year

Identical letters dated 12 June 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit to you herewith the Declaration adopted on 9 June 1995 by the Working Group on Bosnia and Herzegovina of the Organization of the Islamic Conference (OIC), and to request that it be issued as an official document of the forty-ninth session of the United Nations General Assembly, under agenda item 39, and of the Security Council.

(Signed) El Hassane ZAHID
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Annex

[Original: English]

Statement by the Working Group on Bosnia and Herzegovina of the Organization of the Islamic Conference dated 9 June 1995

The Organization of the Islamic Conference (OIC) Working Group on Bosnia and Herzegovina, composed of the OIC Contact Group on the Republic of Bosnia and Herzegovina and the United Nations Protection Force (UNPROFOR) troop contributors, has carefully examined the report of the Secretary-General concerning the future role of UNPROFOR in document S/1995/444. The report has been a useful instrument in contributing to the dialogue on UNPROFOR's future in the Republic of Bosnia and Herzegovina, and has assisted the Working Group in making the following observations.

The current situation in the Republic of Bosnia and Herzegovina, both for its civilian population and the UNPROFOR mission, has indeed become intolerable. The intensified shelling by the Pale Serbs of the safe areas, as grotesquely manifested in the terrorist attack against Tuzla, killing 71 teenagers and other young people; the continuing obstruction by the Pale Serbs of humanitarian outlets, whether they be land routes or the Sarajevo airport; the continued perpetration of ethnic cleansing in the Banja Luka region and elsewhere by the Pale Serbs; the deployment of surface-to-air missiles by the Pale Serbs throughout the Republic of Bosnia and Herzegovina; and the recently resurrected practice of the Pale Serbs in taking United Nations personnel as hostages and detainees, as well as an increase in their targeting of United Nations personnel have brought to the forefront the necessity of reviewing the means by which UNPROFOR can best serve the people of Bosnia and Herzegovina and at minimal risk to itself.

The Working Group has taken note of the Secretary-General's four options on UNPROFOR's future and, in that context, concurs with the Secretary-General's statement contained in paragraph 80 of the report that the United Nations "must not lose sight of three interconnected objectives, which represent the very essence of the United Nations: the quest for peace, the protection of human life and the rejection of a culture of death" as well as the preservation of the territorial integrity and political unity of the Republic of Bosnia and Herzegovina. The Working Group firmly believes that it was with these objectives in mind that the Security Council initially deployed UNPROFOR in the Republic of Bosnia and Herzegovina and developed the current mandate under which UNPROFOR operates.

In the context of the above objectives, it is the view of the Working Group that the current mandate is unambiguous and UNPROFOR should be provided with the required means for the full implementation of the mandate. As for the question on whether UNPROFOR is a peace-keeping or peace-enforcement operation, the Working Group sees it as obvious that there is no peace either to keep or for that matter to enforce, as the Pale Serbs have yet to accept the five-nation Contact Group peace plan. Rather, UNPROFOR is an operation, as indicated by the

Secretary-General in paragraph 66 of his report, that has certain purposes to fulfil, most notably the alleviation of the conflict's consequences and the mitigation of the conflict itself. The current mandate could be best described as a developed mandate, that is to say, a mandate created in reaction to the unprecedented scenarios in which a United Nations mission had not found itself before. These unprecedented scenarios primarily resulted from the fact that one element, namely the Pale Serbs, were systematically and as policy directing military actions against a civilian population. This policy included the systematic obstruction of humanitarian aid to the besieged and threatened populations; the systematic holding of civilians in concentration and detention camps; and the systematic shelling of civilian population centres. The Security Council, while perhaps initially deploying UNPROFOR under traditional peace-keeping rules of engagement, was forced to mandate UNPROFOR with Chapter VII resolutions in reaction to the outrages perpetrated by the Pale Serbs. Subsequently, resolutions such as 776 (1992) and the safe area resolutions, 819 (1993), 824 (1993) and 836 (1993), were adopted.

The Working Group agrees with the Secretary-General's assessment that UNPROFOR's success depends upon the attitude of the "parties". However, keeping in mind the previous paragraph, the Working Group cannot agree with the numerous references in the report that tend to equate the legitimate Government of the Republic of Bosnia and Herzegovina and the Pale Serbs, whose leaders are now being investigated by the International War Crimes Tribunal. Two examples in particular warrant comment. In paragraph 28, the Secretary-General describes the denial of humanitarian assistance "to populations that the party concerned is trying to drive from their homes" as a difficulty impeding UNPROFOR's work. Nowhere is it stated that the Government of the Republic of Bosnia and Herzegovina has as policy or systematically, driven populations from their homes. On the contrary, the Government of the Republic of Bosnia and Herzegovina has successfully effectuated a policy within its armed forces compelling them to respect humanitarian law fully; when troops have deviated from this policy, the Government has aggressively pursued the perpetrators. For this highest dedication to humanitarian law, the Government of the Republic of Bosnia and Herzegovina deserves at least acknowledgement, and in no way deserves equation with those now under investigation at The Hague. In paragraph 65, the Secretary-General states that "both of the parties are determined to prosecute the war". The Government of the Republic of Bosnia and Herzegovina is the "party" that has accepted the five-nation Contact Group peace plan as of 14 July 1994, 11 months ago, and, despite seeing its population subject to intensified ethnic cleansing, shelling of population centres and many brought to the brink of starvation (i.e. Bihac), still maintains its commitment to that plan and has even engaged itself diplomatically with the Belgrade regime that originally prosecuted the ethnic cleansing campaign, in order to facilitate a peaceful solution.

As for the UNPROFOR mandate, the Working Group reasserts that there are no ambiguities, including in the context of Chapter VII and enforcement. In paragraph 26 of his report, the Secretary-General recalls that "self-defence was deemed to include situations in which armed persons attempted by force to prevent United Nations troops from carrying out their mandate". This was defined in the context of the language "all means necessary" contained in resolution 770 (1992). This permitted UNPROFOR to use force to facilitate

delivery of humanitarian assistance. While it is obviously preferable that assistance be delivered by means of cooperation rather than force, cooperation cannot be exclusively counted on from the Pale Serbs, who, according to the reports of the Special Rapporteur and others, reaffirm that denial of assistance to civilian populations is in concert with their policy of ethnic cleansing. Where negotiations fail to extract cooperation, other measures must be undertaken. These measures can include either the use of force or airdrops or other means not yet explored. Furthermore, "all necessary measures" is language contained in resolution 816 (1993), and was effectuated against Serbian aircraft (by the North Atlantic Treaty Organization (NATO) as an extension of UNPROFOR) in April of 1994, near Banja Luka. It is only logical that the language used in resolutions 770 (1992) and 816 (1993) be consistently applied, of course taking into account all risk factors. As for the first factor described in paragraph 29, measures can be undertaken to reduce the vulnerability of United Nations personnel should force be necessary, and as for the second, while UNPROFOR may not have the mandate to pre-empt with force the blockage of aid, it certainly does have the mandate to confront blockage under the Secretary-General's definition of self-defence as described in paragraph 26.

With regard to the safe areas, again the Working Group believes that there is no ambiguity. Resolution 836 (1993), in language and as viewed by the Security Council in the debate upon the adoption of resolution 836 (1993), permits UNPROFOR to use force to protect the safe areas and the civilians in them. Furthermore, the Working Group sees no inherent deficiencies in the safe areas regimes, other than the inadequate number of troops in the areas and their lack of equipment therein. The mandate is available for UNPROFOR, and by extension NATO, to neutralize weapons violating the safe areas. As for reprisals against United Nations personnel in these safe areas, redeployment is a viable option to minimize that threat. As for paragraph 52 of the Secretary-General's report, the Working Group believes that the liaison purposes of some United Nations personnel is of second priority to their safety and of the implementation of the safe area mandate.

As for the exclusion zones, again the mandate is clear. It should be recalled that the exclusion zone and weapons collections points were set up as an alternative to air strikes; however, if weapons collections points, in the context of reprisals against United Nations personnel, become an obstacle in implementing the exclusion zones, then these points should be abandoned and the weapons within them neutralized by air power to the fullest extent possible. In this context, when an offending weapon cannot be located, other targets, under the principle of "judicious response", should be targeted as a means towards compliance.

As for the options presented by the Secretary-General in paragraph 72 of his report, the Working Group believes that a combination of some of the elements contained therein that will strengthen UNPROFOR and thereby enable it to discharge its mandate effectively would be desirable. While not provided as an option, the Secretary-General states in paragraph 5 that UNPROFOR's "existing mandate and/or the way in which it implements that mandate should be adapted". In light of this, the Working Group is of the view that the existing mandate is appropriate, but the means to and by which it is implemented need to be adapted. Towards this end, the Working Group makes the following proposals.

First and foremost, UNPROFOR personnel must be increased and strengthened and provided with better equipment. The OIC countries have made numerous offers of troops and equipment. These offers, in the interests of Bosnia and Herzegovina's civilian population and the safety of UNPROFOR, should be accepted.

The Working Group advocates the removal of monitors from the safe areas, as they are potential hostages of the Pale Serbs, thus stifling the implementation of the mandate, and further advocates the deployment of UNPROFOR in larger numbers to improve their self-defence capabilities.

The Working Group advocates the establishment of land corridors for humanitarian aid, and believes that UNPROFOR deployment in larger numbers can secure and facilitate the establishment of these corridors. Also, air drops to besieged populations have proven successful in the past, and must be kept in foremost consideration as a means to relieve the suffering of the besieged populations.

The surface-to-air missile systems deployed by the Pale Serbs must be neutralized, if necessary, by the use of force.

Where cooperation is lacking from the relevant elements, the mandate must be implemented robustly to compel future cooperation and to maintain the credibility and dignity of the mission in the Republic of Bosnia and Herzegovina.

Along these lines, the Working Group welcomes the initiative of establishing a rapid reaction force, under the command and control of the United Nations, to assist UNPROFOR in the implementation of its mandate, especially the protection of the safe areas and the civilian population of the Republic of Bosnia and Herzegovina.

The Working Group reiterates its position concerning the arms embargo on the Republic of Bosnia and Herzegovina.